



# Draft

## **WorkFirst Handbook – First Draft Issued 8/15/2003**

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and Tribal Organizations

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### **Legal References:**

- [RCW 74.08A.040](#)
- [WAC 388-310-](#)

### **What is tribal participation?**

WorkFirst is built on the premise that full, active participation leads to employment, and that employment is the first step toward financial stability. The program offers activities and supports to prepare participants for effective job searches, employment, and job advancement. We also include services participants need to address issues and barriers they face that interfere with employment.

WorkFirst uses the [Centennial Accord](#) of 1989 along with [DSHS Administrative Policy 7.01](#) as the governing agreement and guidance when developing policy and program services. The program recognizes the importance of working with the tribes in government-to-government relationships to ensure the state meets its legal requirement to provide equitable access to services and benefits for tribal members. Working closely with the tribes is essential to the development of policy and program services.

State and federal law requires that the state will provide American Indians with equitable access to assistance and services. WorkFirst services for American Indians are the responsibility of the State WorkFirst program, unless the tribal member is served by a Tribal TANF program (Under tribal TANF, the entire case is transferred to the tribe). The tribal participation policy recognizes the unique position of tribes to provide an additional menu of participation activities to serve tribal members and other American Indians.

We developed the tribal participation policy in consultation with tribal representatives to ensure that tribal members have broad access to, and are participating in, the most effective activities to help them move forward into employment and beyond. The policy requires each local area to negotiate the services that best fit the needs of their tribal members – with regional oversight to make sure this happens.

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- *Public Law 104-193 Sec. 407*

*It is essential to WorkFirst that the program finds the right level of participation that will guarantee all the advantages and opportunities of the program to participants with tribal affiliations. Close coordination with tribal service representatives needs to occur to ensure Indian values and tribal cultures are considered.*

Example:

### **Tribal Non-Relocation Policy**

According to Department of Social & Health Services [Administrative Policy 7.01](#) and in recognition of the 1989 [Centennial Accord](#), federal treaties and executive orders, coupled with the recognition of sovereignty, the State recognizes that tribal communities have legal and political ties to their lands. Therefore, the longstanding policy of the WorkFirst partners is that no American Indian living on or near a reservation or tribal community will be required to relocate in order to meet work participation requirements.

Tribal members are concerned that WorkFirst will require participants to relocate from their reservations. Relocation is a sensitive cultural issue because of past policy where American Indians have been removed from their ancestral lands. If an American Indian is offered a job that requires relocation and this is unacceptable to the participant, we develop an [Individual Responsibility Plan](#) in collaboration with tribal representatives to find alternative activities that do not require relocation.

It is essential to WorkFirst that the program finds the right level of participation that will guarantee all the advantages and opportunities of the program to tribal members who choose to live in Indian Country. To ensure the needs of tribal members are included in the WorkFirst participation, tribal consultation meetings were held to decide what WorkFirst participation should be comprised of, taking into account the unique situations and circumstances tribal members face, including the geographical considerations of rural and urban tribes and how location impacts the needs of their members.

### **Local Plans for Participation**

Tribal participation consists of a [menu of activities](#) (once all tribal participation menus are received electronically they will be linked to the handbook) and services specifically identified by individual tribes as they work with the local areas. These unique activities may differ from tribe to tribe to ensure that the tribal members are offered and have access to the best services to address their participation needs.

In addition, local areas have the opportunity to discuss and plan how the cultural activities of the tribes might be relevant to WorkFirst participation and moving toward employment, and how they can be considered as a work activity and count towards a participant's participation requirement.

Full-time participation is the standard with some . This means some participants will be engaged in one full-time activity and others will be engaged in a combination of two or more part-time activities. The local areas will determine in consultation with tribal representatives the services to be offered and what the participation expectations are for each. Full-time

participation will be defined as at least 32 hours per week. All relevant activities, such as travel time, may be counted as part of the participation. Activities will be tracked in blocks of time, not actual hours of participation. Standards for part-time activities will be developed and have time block values assigned to them as full-time,  $\frac{3}{4}$  time,  $\frac{1}{2}$  time, and  $\frac{1}{4}$  time.

The local areas in consultation with the tribes will define what the specifics for each of the listed participation activities will be. For example, job search requirements may be different for a rural tribe than for an urban tribe because their circumstances are different.

Tribes must have the opportunity to work with the local areas to add other tribal specific activities to the list that meet the specific needs for participation for their tribal members. This is the best way to include activities that might be relevant or unique to a local area and tribe. This will ensure that the resources available and the services offered in the local areas are taken into consideration, as well as making sure that the participants have access to the best services available in their area to help them move forward. For example, some tribal governments have Tribal Employment Rights Offices (TERO) that provide job listings and tribal preference hiring on or near the reservation.

There is a link in the resource section below for approved plans between tribes and local areas across the state.

### **Coordination & Communication**

Close coordination between tribal representatives and the local field office staff may be required to ensure that appropriate work activities are identified for WorkFirst participants.

American Indians are referred to the tribe when the tribal government has contracted to provide WorkFirst services like job preparation, job search, or [Community Jobs](#). Participants may also be referred for services provided by the tribe such as health care, family planning, and drug and alcohol assessment and treatment (based on local agreements), Welfare to Work and Native Employment Works (NEW), tribal college or contracted training programs, or any other participation activities included in the plan based on what is indicated by the participant's circumstances.

In addition to determining the activities that will constitute participation for tribal members, the local areas and tribes must also discuss and decide on how information will be communicated between the tribe and the case manager regarding the client's activities. For example, the case manager needs to know about the activities a client is engaged in and whether the client is participating as required. The local arrangement must include details about how the case manager will be notified and kept informed, as well as how information will generally flow between the workers. This will ensure that

clients have access to the services they need and that they are fully engaged in the activities that will help them move into employment.

Case managers will encourage all American Indian participants to sign a release of information form so that state and tribal staff can share client information. The [DSHS 14-012 Consent Form](#) is available for your use. With a signed release, tribal representatives can be involved in [case staffings](#) and the 60-month [time limit case staffings](#). American Indian participants should also be encouraged to invite tribal representatives to these events.

A release of information will also allow tribal representatives to act as an intermediary for the American Indian participant who is having difficulties participating as required. For example, with a signed release, a case manager could contact the tribe to help determine whether an American Indian participant has good cause for failure to participate. If the participant is refusing to participate, the tribe can encourage the participant to contact the case manager and cure the sanction through participation. It is recommended that the case manager contact and work with tribal representatives before sanctioning tribal members and other American Indians. Please see [Sanctions and Protective Payees](#) for additional information on sanctions.

Even without a signed release, the case manager can still encourage the participant to involve their tribe.

### **Teen-living arrangements**

If the participant is a tribal member, the WorkFirst Social Worker contacts and consults with the tribal government regarding the appropriateness of teen parent living arrangements. The tribal recommendation will be adopted unless there is substantial evidence to refute the recommendations.

### **Service Areas & Urban Indians**

Most tribes provide services and participation activities not only on the reservation, but also in the Bureau of Indian Affairs (BIA) designated near reservation service areas. The service areas usually include the county where the reservation is located as well as bordering counties. Some counties may be the near reservation area for more than one tribe.

In addition, there are many American Indians and Alaska Natives who live in urban areas far from their own tribe. Urban Indians may participate under the tribal participation policy if the services are available and participation is possible in this case. For example, a Yakama Tribal member lives in Tacoma and would like to participate in an approved tribal training activity available in Tacoma. This could be approved. Or they could participate through the Puyallup participation plan if the Puyallups will serve members of other tribes.



### e-JAS codes

- PT/FT: Some traditional work such as fishing or berry picking may qualify as employment if such income meets DSHS' definition of earned income, self-produced income, or self-employment income.
- JS: DSHS refers American Indian participants to ESD for job search services – but these participants are not required to sign into CATS. Job search at ¼ time may be approved under some local plans – when it is sufficient for tribal members living in rural areas with few available jobs.
- WE: Traditional American Indian activities that perpetuate tribal culture and customs or benefit the tribe meets work participation requirements. These include “subsistence” activities that are defined as the noncommercial, customary, and traditional harvest of wild, renewable resources for use as food, shelter, fuel, clothing, tools, or transportation. Activities that perpetuate the culture include teaching an participating in tribal arts and crafts, traditional dance, medicine, herbs, storytelling, assisting tribal elders, preparing for tribal ceremonies, etc.
- OT: Tribal-owned businesses and businesses owned by tribal members located on reservations may participate in OJT programs.
- PE/HW: These training programs can be created for jobs available in Indian Country, like casino training.
- X codes: Where available, tribal services can be accessed to help tribal members overcome barriers to employment.
- CJ: A tribe may contract to provide Community Jobs. Tribal governments, businesses, and organizations may also serve as host agencies for a Community Job.

### Tribal participation – Step-by-step guide

The case manager ensures that American Indian participants receive the full range of WorkFirst services, from Orientation to Post-Employment Services, on the same basis as any other WorkFirst participant by:

1. Ensuring that applicants and recipients are properly identified and coded as American Indian/ Alaska Native with tribal affiliation. Ask whether the participant or anyone in the assistance unit is a member of a tribe (members of the same assistance unit may be members of different tribes).
2. Coordinating with tribal representatives, including getting a signed release of information so they can discuss case specifics.
3. Must consult with the tribe for tribal teen parents regarding the appropriateness of teen parent living

arrangements. The tribal recommendation will be adopted unless there is substantial evidence to refute this recommendation.

4. Referring participants to locally developed tribal participation activities, like work experience activities that perpetuate tribal culture or customs or benefit the tribe.
5. Referring participants to services provided under tribal WorkFirst contracts, like job search, job preparation, or community jobs in areas with contracts
6. Creating local agreements to communicate participant progress in activities.
7. Never require the participant to relocate from Indian Country.
8. Refer eligible participants to a tribal TANF program serving the area according to the local operating agreement.

## Resources

### Related WorkFirst Handbook Sections

- [Job Search Overview](#)
- [Post-Employment Services](#)
- [Individual Responsibility Plan](#)
- [Education & Training Overview](#)
- [Resolving Issues Overview](#)
- [Case Staffing](#)
- [Time Limit Case Staffing](#)
- [Paid & Unpaid Employment Overview](#)
- [Self-Employment](#)
- [Sanction & Protective Payee](#)

### Other Resources

- [DSHS 14-012 Consent Form](#)
- Add link to participation menu template
- Add links to local and regional tribal participation menus once we have them all electronically

